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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,323	06/27/2003	Patrick A. Hampton	CE11172JI019	7995

7590 07/28/2005

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,323

Applicant(s)

HAMPTON ET AL.

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Plummer (US 4799264).

Regarding claim 1, Plummer shows an acoustic seal system comprising:

A flexible sealing element having a ridge (29) for engaging a cover (31);

A plate (22);

A mesh (27);

The plate (22) and the flexible sealing element (29) are secured to a portion of an inner housing (with 12);

Wherein when the cover (31) engages the inner housing (with 12), the flexible sealing element (29) provides an acoustic seal between the cover (31) and the inner housing (with 12).

Regarding claim 14, Plummer shows an acoustic seal system comprising:

A flexible sealing element (29);

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A plate (22);

A mesh (27);

The plate (22) and the flexible sealing element (29) are secured to an inner housing (with 12);

Wherein when the inner housing (with 12) engages the cover (31), the flexible sealing element (29) is also secured to the cover (31) thereby creating an acoustic seal between the inner housing (with 12) and the cover (31).

Regarding claims 2-4, 7-12, Plummer shows:

The plate (22) includes at least one acoustic port (see 23);

The sealing elements (29) includes an opening (see 23) which exposed at least a portion of the plate (31) and shaped to follow an outline of the port of the plate (23, 22);

Top surface or ridge of the seal element (29, contacting 31);

The seal element (29) is one of rubber and plastic (col. 3, lines 58-60);

The plate (22) is rigid which is generic for metal (col. 3, line 47);

The inner housing (with 12) includes first cavity surface and first cavity wall (see 12);

The seal element (29) includes edge for engaging with the cavity wall (see 12) when the plate (22) is secured to the first cavity surface (see 12, 22, 29);

A speaker and a second cavity (13 and cavity of 11).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer in view of Clark et al. (US 6321070).

Regarding claims 5-6, Plummer shows the mounting of the plate (22) and the mesh (27).

Plummer differs from the claimed invention in that the mounting is not an adhesive.

However, the mounting of the plate and mesh is well taught by Plummer. Further, Clark teaches providing an adhesive for mounting a speaker plate or gasket (col. 6, lines 32-33).

Hence, it would have been obvious for one of ordinary skill in the art to an adhesive when mounting Plummer's plate or mesh as taught by Clark. This simply can be considered as a variation of Plummer as long as the basic concept of mounting the plate and the mesh is substantially unchanged.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer.

Regarding claim 13, Plummer shows the seal element (29) mounted with the plate (22).

Plummer differs from the claimed invention in that they are not molded together.

However, the court has ruled that to make prior art parts integral or separable does not constitute patentable weight (In re Larson 144 USPQ 344, CCPA 1965; Nerwin v. Erlichman 168 USPQ 177).

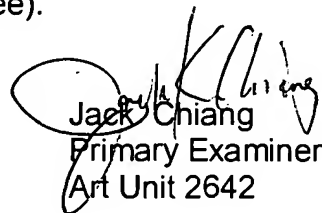
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Hence, the concept of having the seal element and the plate as an unit is well taught by Plummer, therefore, it would have been obvious to make Plummer elements as an integral unit or a separate unit. This simply can be considered as a variation of each other because whether they are separable or integral, it would not change the basic concept of their operation or intended functions.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
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